

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DAVID J. SANTANA,

Petitioner,

v.

**9:20-CV-1098
(TJM/ML)**

EARL BELL, Superintendent,

Respondent.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. He contends that his convictions in New York State court for sexual crimes against a minor violated his constitutional rights. The Court referred the matter to the Hon. Miroslav Lovric, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

Judge Lovric's Report-Recommendation, issued on August 14, 2023, recommends that the Court dismiss the petition and decline to issue a certificate of appealability. Judge Lovric finds that the decision of the New York courts that denied Petitioner's post-trial motions did not involve an unreasonable application of clearly established federal law or represent an unreasonable determination of the facts as established in the state-court proceedings. Judge Lovric finds that the state courts reasonably applied standards for

evaluating ineffective assistance of counsel claims, other constitutional claims, and evidentiary issues.

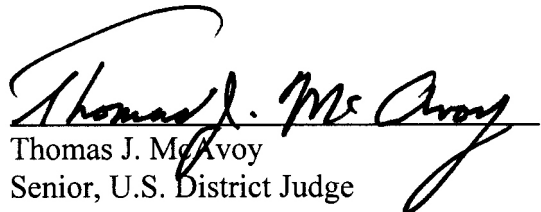
Petitioner did not object to the Report-Recommendation. The time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation for the reasons stated therein.

Accordingly:

It is therefore **ORDERED** that Judge Lovric's Report-Recommendation, dkt. # 22, is hereby **ACCEPTED** and **ADOPTED**. Petitioner's petition for a writ of habeas corpus, dkt. # 1, is hereby **DENIED** and **DISMISSED**. The Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

Dated: October 12, 2023


Thomas J. McAvoy
Senior, U.S. District Judge